

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE  
TO AMEND DOCUMENTS RELATING TO ITS ECONOMIC  
DEVELOPMENT REVENUE BONDS, SERIES 1983  
(ANTHONY PETRARCA PROJECT) AND APPROVING AND  
AUTHORIZING OTHER ACTION IN RESPECT THERETO

WHEREAS, the City of Fort Wayne ("Issuer") has heretofore  
issued its \$2,600,000 Economic Development Revenue Bond  
(Anthony Petrarca Project), Series 1983 dated as of August 31,  
1983 ("Bond") pursuant to a Bond Purchase Agreement ("Bond  
Purchase Agreement") dated as of August 31, 1983 by and  
between the Issuer and Home Life Insurance Company to finance  
certain costs of the Anthony Petrarca Project ("Project"), as  
more fully described in the Loan Agreement dated as of August  
31, 1983 by and between the Issuer and Anthony A. Petrarca  
("Developer"); and

WHEREAS, the Developer and UNUM Life Insurance Company of  
America ("Bondholder"), as holder of the Bond and assignee of  
the rights of Home Life Insurance under the Bond Purchase  
Agreement have requested the Issuer and Developer to amend the  
Loan Agreement and the Issuer and Bondholder to amend the Bond  
Purchase Agreement;

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA THAT:

Section 1. The First Amendment to the Bond Purchase  
Agreement, including the amended and restated form of Bond  
contained therein, is hereby approved and shall be  
incorporated herein by reference and shall be inserted in the  
minutes of the Common Council and kept on file with the Clerk.

Section 2. The First Amendment to Loan Agreement,  
including the amended and restated form of Note contained  
therein, is hereby approved and shall be incorporated herein  
by reference and shall be inserted in the minutes of the  
Common Council and kept on file with the Clerk.

Section 3. The City of Fort Wayne shall deliver an



amended Bond in substitution for the original Bon, which  
original Bond shall, upon return to the City of Fort Wayne,  
be destroyed by the City of Fort Wayne.

Section 4. The Mayor and Clerk are authorized and  
directed to execute, attest, affix or imprint by any means the  
seal of the City of Fort Wayne to these documents to be  
executed by the City of Fort Wayne which are approved herein  
on behalf of the City of Fort Wayne and any other document  
which may be necessary or desirable to consummate the  
transaction, including the amended Bond approved herein.

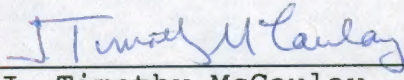
Section 5. Pursuant to and in accordance with Section  
103(6) (D) of the Internal Revenue Code of 1954, the City of  
Fort Wayne elects that the applicable aggregate authorized  
face amount limit for this qualified small issue industrial  
development bond shall be \$10,000,000.

Section 6. This Ordinance shall be in full force and  
effect from and after its passage and signing by the Mayor.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_,  
1993.

  
\_\_\_\_\_  
Member of the Common Council

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
J. Timothy McCaulay, City Attorney  
Dated this 11<sup>th</sup> day of January, 1993.



## MEMORANDUM

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TO: City Council Members

FROM: Karen A. Lee, Business Development Specialist *K.A.L.*

DATE: January 8, 1993

RE: January 12, 1993 - City Council Agenda

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An Industrial Revenue Bond was issued in 1983 to enable Anthony Petrarca to acquire land to construct and develop the Childrens' Palace Store. (Now occupied by BEST BUY). The borrower seeks to amend the terms of the issue to change the redemption provisions of the bond and to provide increased amortization payments if the redemption rights are not exercised. The attached ordinance approves the transaction and authorizes execution of the related documents. The obligation being amended is a limited obligation bond and does not affect the city's bonding capacity.

*J-93-01-05.*

kal



Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by \_\_\_\_\_, title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Rehmidt, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 1-12-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 5-03-93

on the 12th day of January, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Mark C. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of January, 1993, at the hour of 11:30 o'clock A, M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of January, 1993, at the hour of 4:00 o'clock P, M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

## SUSPENSION OF RULES

BILL NO. S-93-01-05

COUNCILMEMBER Belmidt, MOVED TO SUSPEND THE RULES  
FOR THE PASSAGE OF BILL NO. S-93-01-05, AT THE COMMON COUNCIL  
MEETING OF THE CITY OF FORT WAYNE, INDIANA, HELD ON THE 12th,  
DAY OF January, 1993, ~~SAID MOTION WAS SECONDED BY~~  
~~COUNCILMEMBER~~, ~~AND~~ DULY PASSED BY UNANIMOUS  
VOTE OF ALL LEGALLY ELECTED MEMBERS OF THE COMMON COUNCIL. THE ABOVE  
BILL NO. S-93-01-05 WAS THEN PLACED ON PASSAGE.

DATED: 1-12-93

1-12-52.

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>LUNSEY</u>	<u>✓</u>			
<u>RAVINE</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA  
ON January 12, 1993, BILL NO. S-93-01-05,

ATTEST

DATED: 1-12-93.

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE Refunding Revenue Bonds

DEPARTMENT REQUESTING ORDINANCE Department of Economic Development

SYNOPSIS OF ORDINANCE Anthony Petrarca seeks to amend the terms of the issue to change the redemption provisions of the bond and to provide increased amortization payments. The attached ordinance approves the transaction and authorizes execution of the related documents. The obligation being amended is a limited obligation bond and does not affect the city's bonding capacity.

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EFFECT OF PASSAGE Will allow for a change in redemption provisions and provide increased amortization payments.

EFFECT OF NON-PASSAGE Opposite of above.

\_\_\_\_\_

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) Mark GiaQuinta